



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/150,947	09/10/98	KAEMPFER	R A31967-PCT-U

BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112-0228

HM11/0831

EXAMINER  
NAVARRO, A

ART UNIT	PAPER NUMBER
1645	

DATE MAILED: 08/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

THE REQUEST FOR SUSPENSION OF ACTION UNDER 37 CFR 1.103 HAS BEEN APPROVED. THE SUSPENSION OF ACTION WILL TERMINATE 03 MONTHS AFTER DATE THE REQUEST FOR SUSPENSION OF ACTION WAS FILED.

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TECH CENTER 1600/2900

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AUG 23 2001  
CPA Trans.  
PATENT

**CONTINUED PROSECUTION  
APPLICATION (CPA)  
REQUEST TRANSMITTAL**  
*(Only for Continuation or Divisional  
applications under 37 CFR 1.53(d))*

Attorney Docket No. A31967-PCT-USA-A /  
066031.0102

First Named Inventor Kaempfer et al.

Express Mail Label No. EF839853372US

Total Pages 12

August 20, 2001

**BY EXPRESS MAIL: EF839853372US**

Assistant Commissioner for Patents

Box CPA

Washington, DC 20231

Sir:

This is a request for the filing of a

- ☒ Continued prosecution application (CPA) of prior application No. 09/150,947 filed on September 10, 1998, entitled "BROAD SPECTRUM PYROGENIC EXOTOXIN ANTAGONISTS AND VACCINES"

The term for response or taking action in the prior application expires on August 20, 2001 after a two-month extension of time (the Final Official Action is dated March 20, 2001, so the due date was June 20, 2001).

- ☒ An extension of time for response in the prior application is:

☒ filed concurrently herewith.

☐ has been filed on \_\_\_\_\_.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.

- ☒ A preliminary amendment is enclosed.

- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).



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☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_

☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

☐ Information Disclosure Statement (IDS) is enclosed.

☐ PTO-1449

☐ Copies of IDS Citations

Small entity status:

☐ A small entity statement is enclosed.

☒ A small entity statement was filed in the prior nonprovisional application and such status is still and proper desired.

☐ is no longer claimed.

The filing fee has been calculated as shown below:

FOR	(Col. 1) No. Filed		(Col.2) *No. Extra	Small Entity Rate Fee	OR	Other Than A Small Entity Rate Fee	
Basic Fee					\$355		\$710
Total Claims	34	-20=	14	x \$9=	\$126	x \$ 18 =	\$
Ind. Claims	14	-3 =	11	x \$40 =	\$440	x \$ 80 =	\$
Multiple Dependent Claim				+ \$135 =	\$	+\$270=	\$
				Total	\$921		\$

\* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

Calculation of extension fee (37 CFR 1.17(1)-(5)):

	Extension (months)	Fee for other than small entity	Fee for Small Entity	
<input type="checkbox"/>	One month	\$110.00	\$ 55.00	
<input checked="" type="checkbox"/>	Two months	\$390.00	\$195.00	\$195
<input type="checkbox"/>	Three months	\$890.00	\$445.00	
<input type="checkbox"/>	Four months	\$1,390.00	\$695.00	
<input type="checkbox"/>	Five months	\$1,890.00	\$945.00	
				Fee <u>\$195.00</u>



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PATENT

Attorney Docket No. A31967 PCT USA-A 066031

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- [X] If an additional extension of time is required, please consider this a petition for extension of time (check and complete the next item, if applicable)
- [ ] An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 195


- [X] Applicant requests suspension of action under 37 CFR 1.103(b) for a period of 3 months and the fee under 37 CFR 1.17(i) is included with this request of \$ 130.00

Fee Payment Being Made:

- [X] Enclosed
- |                          |                  |
|--------------------------|------------------|
| [X] Basic filing fee     | \$921.00         |
| Extension of Time Fee    | \$195.00         |
| Suspension of Action Fee | \$130.00         |
| Total Fees Enclosed      | <u>\$1246.00</u> |

- [X] A check in the amount of \$1246.00 is enclosed.
- [ ] Other

- [X] The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16, 1.17, and 1.21(h) associated with this communication or credit any overpayment to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

By   
Rochelle K. Seide  
Patent Office Reg. No. 32,300

Alicia A. Russo  
Patent Office, Reg. No. 46,192

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